

MONTGOMERY COUNTY
FIRE AND RESCUE COMMISSION

MINUTES

April 11, 2002

EXECUTIVE OFFICE BUILDING AUDITORIUM
Rockville, Maryland

COMMISSIONERS PRESENT:

Gordon A. Aoyagi, Chair
Fernando Bren, Vice Chair
Thomas W. Carr, Jr.
Leonard Marco
Ronald Ogens
Anita Powell
Paul Sterling, Jr.

STAFF PRESENT:

Neil Shorb, Staff Director
George Giebel, Program Manager
Beth Feldman, Administrative Specialist
Annette Cheng, Executive Administrative Aide
Richard H. Melnick, OCA

OTHERS PRESENT:

Chief Roger W. Strock, DFRS
Chief David S. Dwyer, DVFRS
John Sparks, IAFF Local 1664
Debby McMurray, Rockville VFD
Frederick Welsh, DVFRS
District Chief Lisa Larson, GVFD
Matt Larson, GVFD
Juan Boku, KVFD
Chris Livingston, KVFD
Deputy Chief Russell Dawson, RVFD
Amy Davis, Local 1664
Chief Doug Edwards, Hyattstown VFD
District Chief Charles Patullo, MCFRS
Andrew B. White, President, KVFD

Virginia A. Miller, President, Bethesda FD
Deputy Chief Michael White, UMCVFD
Steven Kurtz, GWGVFD
Cheryl Reed, MCFRS
Darlene Flynn, MCFRS
Eileen Queenin, DFRS
Bud Henkel, President, GWGVFD

100 - CALL TO ORDER

The meeting of the Fire and Rescue Commission was called to order by Chair Aoyagi at 7:12 p.m. in the Lobby Auditorium of the Executive Office Building in Rockville, Maryland.

101-Comments-the Fire and Rescue Commissioners

Commissioner Sterling apologized for missing the March 14th commission meeting, and clarified that the purpose of introducing the resolution at the March FRC meeting was to express concern with how FRC policies and regulations can be circumvented by the collective bargaining processes. He respectfully disagrees with the explanation that the Fire Administrator has provided regarding this matter. He advised that the resolution was not intended as an attack on IAFF local 1664.

He stated that he was prepared to introduce a new resolution regarding the affect of the collective bargaining process on FRC policies and regulations based on comments made at that meeting. However, he is withholding the introduction of this resolution at this time.

Commissioner Bren commended Chairman Aoyagi's efforts in bringing both career and volunteer personnel together and establishing guidelines to avoid conflicts at the upcoming Montgomery County Fair

Commissioner Bren commented that he supports the proposed reorganization to FRC committees and encourages the other commissioners to do so as well.

Commissioner Bren advised that he met with John Sparks, President of Local 1664 to discuss various issues within the MCFRS. According to Commissioner Bren, Mr. Sparks stated that he is willing to meet with volunteer personnel to discuss various issues, to improve the relationship between career and volunteer components of the MCFRS. In a letter from Mr. Sparks, Commissioner Bren stated that "the local would like to take the first and largest step to seek a possible resolution of disputes to benefit the fire service and the citizens of Montgomery County. Everyone must make a serious effort see if certain difficulties and issues can be resolved", and asked the LFRD community as well as the Commission to step forward in this effort.

Lastly, Commissioner Bren acknowledged Commissioner Sterling's efforts and leadership in addressing the issue regarding the proposed resolution related to the collective bargaining process and its affect on the Apparatus Graphics Policy.

Chair Aoyagi advised that he had discussed with Andrew White, Chairman of the Fire Board, ways to resolve issues between career and volunteer personnel. Chair Aoyagi suggested the use of outside mediation services, including a process called "relationships by objective". In John Sparks letter of April 11th to the Fire Administrator, Mr. Sparks also addressed the possibility of the involvement of a federal mediator to establish "relationships by objective" to resolve issues. The purpose of "relationships by objective" is to focus on relationship issues, and to address concerns that prevent the members of the service from moving forward on certain key issues. Chair Aoyagi indicated that this approach should be helpful in addressing long-standing issues and solving disputes, and requires the effort of all parties to meet on a regular basis to improve communications.

Report of the Chairman

Valor Awards Luncheon-April 12, 2002

Several members of the MCFRS will be presented awards at tomorrow's luncheon, which will be held at Indian Springs County Club.

Code of Ethics and Personal Conduct Regulations

Chair Aoyagi informed the Commission that the County Council reviewed *the Code of Ethics and Personal Conduct* Regulation and had questions regarding syntax and presentation of various sections of the document which may require additional revision. Comments made by the County Council will be forwarded to the Commission for further discussion, and the temporary regulation will be extended until this matter is resolved.

Committee Evaluation and Review Board

A memo from County Executive Duncan was shared with the Commissioners regarding the Committee Evaluation and Review Board to review the various Boards and Commissions of the County.

Voter Education on Touch-Screen Voting Machines

A memo from CAO Romer was shared with the Commissioners regarding an initiative to educate voters on new touch screen voting machines and to seek volunteers to staff voter locations.

Changes in the Committee Structure

Chair Aoyagi stated that a memorandum was distributed for field comment regarding the proposed changes in the FRC committee structure. He stressed the importance of this proposal and hopes that many in the service will comment on this issue. The comment period closes on May 3, 2002. This proposal will be discussed at a future FRC meeting, and will require an amendment to the FRC by-laws to implement.

Interim Appeals Procedure

Chair Aoyagi stated that Commissioner Ogens is working with the County Attorney's office in reviewing this policy, and the document will be transmitted to the field for comment within the next few days.

Drought Condition Update

Governor Paris Glendening declared severe drought conditions within the state, and has imposed water restrictions on various counties, including portions of Montgomery County that are not served by WSSC. Chair Aoyagi requested members of the MCFRS to monitor the drought situation and to conserve water whenever possible.

102-Approval of Minutes of March 14, 2002

Commissioner Marco requested a revision to be made to the March 14, 2002 Commission Minutes: Page 2, item 101, first sentence. The sentence should read "Commissioner Marco read a resolution on behalf of Commissioner Sterling which stated concerns and dissatisfaction with County Officials regarding a provision in a collective bargaining agreement.... Commissioner Ogens advised that on page 8, in the last paragraph the word "raided" should be "raised"

A MOTION was made by Commissioner Marco to approve the minutes of March 14, 2002 as amended. SECONDED by Commissioner Powell. PASSED unanimously.

200- **CONSENT CALENDAR**

201- *Request to Reallocate Senator Amoss Funds-Takoma Park VFD*

202- *2001 LOSAP Approval*

Commissioner Bren questioned Chair Aoyagi regarding item 202, the LOSAP Approval. Local departments were given ample time to review and verify that this information was correct. Chair Aoyagi

advised that the process to establish the approved list involves opportunity to review and verify LOSAP points.

A MOTION was made by Commissioner Sterling to approve the Consent Calendar. SECONDED by Commissioner Marco. PASSED unanimously.

300- FIRE AND RESCUE COMMISSION COMMITTEE REPORTS

301- Operations Committee

Commissioner Ogens reported that the Operations Committee met on March 24. A request from TPVFD to permit Truck 2 to be dispatched on PIC's with persons trapped/pinned was discussed. Truck 2 is now equipped with extrication equipment that meets the rescue engine inventory established by the FRC. The Operations Committee referred this request to the Rescue Squad Workgroup for recommendation.

A recommendation made by the Operations Committee to amend the Communications Manual to institute dispatch changes implemented on an interim basis by the Fire Administrator to working structure fires in areas of the County without fire hydrants is on tonight's agenda as item 402. The Operations Committee has requested staff to review the feasibility standardizing of EMS equipment for the MCFRS.

302- Human Resources, Safety and Training Committee

Commissioner Powell reported that the HRST committee met on April 8. The committee reviewed the *Code of Ethics and Personal Conduct* training tape. Commissioner Powell stated that all stations have been issued this tape, and information regarding this training has been sent to the field.

Commissioner Powell provided an update regarding Training Subcommittee topics. The development of the Fire Officer Development III class is on hold awaiting information from the Maryland State Fire and Rescue Institute. The development of curriculum for other courses by the Training Subcommittee is almost complete.

Commissioner Carr mentioned the annual Pikes Peak 10k race is on Sunday, April 28th and all are welcome to participate.

303- Finance, Technology, and Planning Committee

Commissioner Bren reported that the Finance, Technology and Planning Committee met on April 21. Internal Affairs Officer Kevin Sanzenbacher provided the FTP Committee with an update on the progress regarding development of a revised Financial Manual. Commissioner Freeman continues to review work on a plan of action regarding the Master Plan revisions. Capt. Mickel, who is temporarily chairing the Apparatus/Facility subcommittee, reported on the support vehicle plan being developed. Fire Administrator Aoyagi briefed the Committee on the acquisition of a new tanker for station 31.

400- BUSINESS ITEMS

401- LFRD FY02- Operating Budget Second Quarter Analysis

Chair Aoyagi reviewed the matrix of the Operation LFRD 2nd Quarter Analysis. Earlier in the fiscal year, OMB instituted a savings plan which requires additional cost reductions.

Chair Aoyagi reviewed the staff analysis of the LFRDs operating budget second quarter. A total of an additional \$418,230 has been requested by the LFRDs, and staff is supporting the allocation of \$169,815. This allocation is subject to OMB approval.

402- Response to Working Structure Fires in Areas without Fire Hydrants

Commissioner Ogens provided a summary of the discussion at the March 24th Operations Committee meeting regarding the adoption of the Water Supply Task Force (WSTF) dispatch and dispatch procedures outlined in the Fire Administrators Directive 02-05. These changes were implemented by the Fire Administrator in light of recent large structure fires in areas of the County without hydrants, and the need to implement actions while the FRC took action to amend the Communications Manual.

A letter dated April 9, 2002 signed by Chiefs Edwards (Hyattstown VFD), Chief Musgrove (Laytonville VFD), Chief Moore (Upper Montgomery County VFD) and Chief Long (Damascus VFD) was discussed. This letter proposed the Water Supply Task Force be amended to include (2) four-wheel drive pumpers and one brush truck. The rationale for this proposal is based on the limited access to water sources in areas of the County without hydrants.

A clarification was requested by Commissioner Carr on when the WSTF would be dispatched. He indicated that when a structure fire was dispatched, it should be presumed that there is a working fire. It was then suggested to add the WSTF to the initial dispatch to ensure sufficient resources were dispatched at the outset.

A MOTION was made by Commissioner Ogens to adopt the recommendation made by the Operations Committee as set forth in agenda item 402 adopting the draft resolution (attachment 402a) and to amend section 3b deleting the language: “when there is an indication from any source of a working fire”. The Operations Committee will consider letter dated April 9th from Chiefs Edwards, Musgrove, Moore and Long to be discussed at the next Operations meeting. SECONDED by Commissioner Carr.

A MOTION was made by Commissioner Sterling to table this item and refer it back to the Operations Committee for further review. SECONDED by Commissioner Bren. Passed with Commissioners Sterling, Marco, Bren, Powell, and Carr voting for the motion; and Commissioner Ogens voting against.

Commissioner Ogens advised it was appropriate for the Commission to sustain the dispatch procedure established by the Fire Administrator in Directive 02-05 until the Operations Committee returns to the FRC with a recommendation on this matter.

A MOTION was made by Commissioner Ogens to have the FRC adopt the interim Directive 02-05 from the Fire Administrator as an interim policy. SECONDED by Commissioner Bren. PASSED unanimously.

403- Update Public Safety Committee

Chair Aoyagi provided an update on the status of the Council Public Safety Committee (PSC) discussion on the proposed FY 03 MCFRS Operating Budget. The Council is looking for a 1% reduction in all department budgets. This equates to approximately \$1 million in reduction for the MCFRS. Council staff is recommending the destaffing of one engine on a rotating basis. The PSC is split on this recommendation and has indicated that it will be a non-recommended reduction. There was also a split decision by the PSC on the staffing reallocation from Rockville Station 3 to Germantown Station 29. The final outcome on these items will not be known until a decision on the reconciliation list is made.

500 FIRE AND RESCUE SERVICES REPORTS

501- DVFRS Chief

Chief Dwyer reported that a draft report from the consultant concerning the LOSAP program is currently being reviewed.

A recruitment information booth for both career and volunteer personnel is being planned for the Maryland State Fireman's Association and the Firehouse Expo in Baltimore.

502- DFRS Chief

Chief Strock reported that the new ID card system will hopefully be implemented in the near future.

April 25th is Take your Daughters to Work Day. The event will be held at the PSTA and he encourages all in the service to participate.

The Specialty Team Leaders met on March 19. A generic application for team membership will be completed shortly. Two hazmat tech classes, which were attended by both career and volunteer members, were recently completed. Hazmat personnel have been assigned to Station 28 and the equipment will be there shortly.

Chief Strock extended an open invitation to all MCFRS members to attend the DFRS promotional ceremony to be held at the PSTA academy on April 29th at 1900hrs.

503- Report of the Fire Board

Andy White, President of the Fire Board read a statement from the Code of Ethics for Social Workers of America regarding establishing good working relationships, and expressed cooperation in establishing these same ethics within the MCFRS.

Mr. White expressed concerns regarding privacy of personnel records for volunteer personnel and sent a letter to the County Attorney's Office which states that volunteer personnel should be granted the same rights of privacy afforded to career personnel. Commissioner Bren requested Mr. White to inform the Commission of the County Attorney's office response regarding this request and report to the Commission at the June meeting as to the response. Chair Aoyagi offered to the Commission to have County Attorney Chuck Thompson or his representative to attend a future FRC meeting to discuss this matter.

Mr. White made a comment regarding the Directive issued by the Fire Administrator regarding the Water Supply Study and understands the Fire Administrator's position on this matter. However, he believes there is room for discussion regarding the authority of the Fire Administrator and policy decisions. Commissioner Sterling asked Mr. White what would he propose in situations where the Fire Administrator, as department head, adopted policy without the consent or knowledge of the Commission. Mr. White stated that in some instances the Fire Administrator must adopt policies (or issue directives) in certain situations, but this should not be the norm. County Attorney Richard Melnick, in response to Commissioner Sterling's comments to the Fire Administrator, stated that the Fire Administrator's authority as the department head is established under section 21-3(b) of the County Code. Commissioner Bren requested that the Commission receive a copy of County Code 21-3(b) for review. Chair Aoyagi noted for the Commission that the directive was issued on an interim basis until a policy was adopted by the Commission.

Mr. White was encouraged by both comments made by Commissioner Sterling and the letter by John Sparks from the Union and hopes that members from both parties can set aside differences and work towards the goal of a unified service.

504- Report of the Montgomery County Volunteer Fire and Rescue Association
No report

505- Report of the Montgomery County Career Fire/Rescue Officers Association
No report

506- Report of the Montgomery County Career Firefighters Association
Amy Davis reported that the IAFF is looking forward to participating in the Relationship by Objective initiative.

507 Report of the Montgomery County Community Fire/Rescue Chief Association
No report

A MOTION was made by Commissioner Carr to adjourn to Executive Session, SECONDED by Commissioner, Ogens. PASSED unanimously.

Respectfully Submitted,

Gordon A. Aoyagi

Chairman

